

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 17, 2009

D054159 County of San Diego v. Workers' Compensation Appeals Board and Michael Sabin

The County's petition for writ of review is denied. The cause is remanded to the WCAB to correct the clerical error in the amount of reimbursement to be paid to Sabin and Remas.

D053747 In re Simon on Habeas Corpus

The petition is denied.

D051910 People v. Joy

The judgment is reversed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D052636 People v. Fanelli

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

D052981 People v. Alvarez

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J.; O'Rourke, J.

D052381 Braga et al. v. Ogden

The judgment is affirmed. The parties are to bear their own costs on appeal. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D052804 Webb v. Barkal

Pursuant to California Rules of Court, rule 8.140, the appeal filed March 25, 2008, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

D052090 People v. Stevens

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D047208 Evans et al. v. Haubert

Respondents' petition for rehearing is denied.

D053730 People v. A.C., a Juvenile

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053120 In re Jeremy S. et al., Juveniles

The request for publication of the opinion is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 17, 2009 (Continued)

D051962 People v. House

The requests for publication of the opinion, filed February 5, 2009, by the San Diego County District Attorney's Office and February 6, 2009, by the Attorney General's Office, are denied. The petition for rehearing, filed by appellant on February 6, 2009, is denied.

D051465 Jeld-Wen, Inc. v. Action Iron Works

D053094 Jeld-Wen, Inc. v. Cal-Coast Construction Specialties

The pending appeal in *Jeld-Wen, Inc. v. Action Iron Works, Inc.*, D051465, is consolidated with the pending appeal in *Jeld-Wen, Inc. v. Cal-Coast Construction Specialties, Inc.*, D053094, for disposition.

D051465 Jeld-Wen, Inc. v. Action Iron Works

D053094 Jeld-Wen, Inc. v. Cal-Coast Construction Specialties

The judgment is reversed with respect to (1) the ruling in favor of Cal-Coast on its motion for judgment on the pleadings challenging the breach of contract cause of action; and (2) the rulings awarding attorney fees to Cal-Coast under Code of Civil Procedure section 1038 and Civil Code section 1717. Let a peremptory writ of mandate issue directing the trial court to vacate its order granting attorney fees under Code of Civil Procedure section 1038 to AIW, Foshay, KAS, National Roofing, Pacific, Southcoast and Wall. Further, let a peremptory writ of mandate issue directing the trial court to vacate its order granting attorney fees under Civil Code section 1717 to AIW, Foshay, KAS, Pacific, Southcoast and Wall. In all other respects the judgment is affirmed. Each party is to bear its own costs.
Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D054583 Zolina v. Superior Court of San Diego County/Garcia

The trial proceedings in this case are stayed pending further order of this court. The real party in interest is directed to file a response to the petition for writ of mandate on or before February 24, 2009.

D054589 Salem et al. v. Superior Court of San Diego County/Bond

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 18, 2009

D052152 People v. Washington

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

**D052630 Community Youth Athletic Center v. Superior Court of San Diego
County/City of National City et al.**

Let a writ of mandate issue requiring the trial court to set aside the order granting judgment on the pleadings as to the seventh cause of action, and to enter a new order that will deny the motion and allow for any necessary supervision of republication of the summons, consistent with the views expressed in our prior opinion. Each party shall bear its own costs in this writ proceeding. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

D053540 In re Jose R. et al., Juveniles

Judgment affirmed. Aaron, J.; We Concur: McConnell, P.J., Benke, J.

D053719 In re Jayden H., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D052065 People v. Cervantes

The judgment is reversed and the case is remanded. The trial court is directed to vacate Cervantes's plea of no contest if he elects to withdraw that plea by an appropriate motion filed within 30 days after the remittitur issues. If Cervantes elects not to withdraw his plea within that time period, the court is directed to reinstate the original judgment. Aaron, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D054423 Tybor et al. v. Superior Court of San Diego County/Discflo Corporation

At the request of petitioners, the petition for writ of certiorari and/or review is dismissed.

D054511 In re Alarcon on Habeas Corpus

The petition for writ of supersedeas is granted.

D054391 In re Garrett on Habeas Corpus

The petition is denied without prejudice to re-filing in the Court of Appeal, Sixth Appellate District.

D054228 Engstrom v. Giba

The dismissal order is vacated and the appeal is reinstated.

D054415 In re Gonzalez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

February 18, 2009 (Continued)

D054310 Abrams v. Superior Court of San Diego County/Abrams

The fee waiver request in the above-entitled matter was denied on February 2, 2009, and notice to the parties was sent that same date. (Cal. Rules of Court, rule 3.54(4).) Petitioner had 10 days from the date of the notice to pay the filing fee of \$655.00. (Cal. Rules of Court, rule 3.55.) The filing fee has not been paid. On the court's own motion, the petition is dismissed.

**D054377 Another Miracle Company et al. v. Superior Court of San Diego
County/Siegman**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 19, 2009

D053610 In re B.C., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D054451 In re Hermosillo Jr. on Habeas Corpus

The petition is denied.

D054381 In re Walton on Habeas Corpus

The petition is denied.

D054540 In re J. E., a Juvenile

The appeal has been reviewed by Justices Nares, McIntyre, and Irion. The court received a notice of appeal filed on February 5, 2009, following the January 14, 2009, jurisdictional hearing. The appeal is premature because there has been no dispositional judgment. (Cal. Rules of Court, rule 8.400(g)(1).) The appeal is accordingly dismissed without prejudice to re-filing a notice of appeal after a dispositional judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 20, 2009

D054319 Mountain High Hosiery, LTD. v. Platinum Logistics, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053333 In re Genesis B., a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Irion, J.

D052629 Avila et al. v. City of Oceanside et al.

Upon written request filed by appellant Maehler only, the appeal filed March 14, 2008, is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D054351 In re Inglett on Habeas Corpus

The petition is denied.

D054598 People v. Superior Court of San Diego County/Suazo

The petition is denied.